

## **Deficiency Progress Report – Update 4**

Report Submitted: August 26, 2008

CUPA Name: **Mariposa County Public Health Department**

Evaluation Date: **November 6 and 7, 2007**

### **Evaluation Team:**

Kareem Taylor, Cal/EPA  
Sean Farrow, SWRCB

**Corrected Deficiencies:** **2, 3, 4, 5**

Please update the deficiencies below that remain outstanding.

1. **Deficiency:** The CUPA did not complete its FY 06/07 narrative self audit of its Unified Program (UP) by September 30 of this year.

**Preliminary Corrective Actions:** By September 30, 2008, the CUPA will submit its FY 07/08 self audit to Cal/EPA. The CUPA will complete all subsequent self audits by September 30 of each year.

**CUPA's 1<sup>st</sup> Update (January 10, 2008):** The CUPA had the 06/07 self audit available for review by Cal/EPA at the time of the audit. In fact Cal/EPA staff commented favorably on the format and content of the self Audit. No further update or status will be prepared by the CUPA.

**Cal/EPA's 1<sup>st</sup> Response:** The substance of this deficiency is that the FY 06/07 self audit was not completed by September 30 of last year. The fact that the CUPA presented its narrative self audit at the time of the evaluation (November 6, 2007) does not negate the fact that it was completed after the regulatory deadline. On the next status report, include a plan for how the CUPA will complete its self audit by September 30 of each year.

By September 30, 2008, please submit the CUPA's FY 07/08 self audit to Cal/EPA.

**CUPA's 2<sup>nd</sup> Update (May 5, 2008):** The CUPA will complete the annual self audit prior to the deadline. The CUPA has converted its scheduling to an Outlook Calendar which has a reminder feature. The CUPA Manager will begin receiving weekly reminder notices, to complete the self audit, from the calendar program beginning July 15<sup>th</sup> and continuing until the due

date of Sept 30<sup>th</sup>. As requested upon completion of the annual self audit the CUPA will forward a copy to CalEPA.

**Cal/EPA's 2<sup>nd</sup> Response:** Cal/EPA appreciates the CUPA's efforts to correct this deficiency. By September 30, 2008, please submit the CUPA's FY 07/08 self audit to Cal/EPA.

**CUPA's 3<sup>rd</sup> Update (August 4, 2008):** See update # 2

**Cal/EPA's 3<sup>rd</sup> Response:** By September 30, 2008, please submit the CUPA's FY 07/08 self audit to Cal/EPA. The CUPA may submit its self audit before September 30, 2008.

**CUPA's 4<sup>th</sup> Update (August 26, 2008):** As of Aug 26, 2008, the Annual CUPA Self Audit for FY 07/08 has been completed. See Attached Narrative portion.

**Cal/EPA's 4<sup>th</sup> Response:** The CUPA's narrative self audit was submitted just over a month before the corrective action due date. The self audit was missing some of the required elements of Title 27, Section 15280 (a). The missing elements are as follows:

- A report of deficiencies with a plan of correction.
- A narrative summary of the effectiveness of activities including, but not limited to permitting; enforcement; and the single fee system.
- The annual review and update of the fee accountability program as required by section 15220.
- A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.
- A summary of new programs being included in the Unified Program, if applicable.

By October 31, 2008, please revise the self audit to include all of the requirements of Title 27. This deficiency will be considered corrected when the revised self audit has been received and confirmed corrected by Cal/EPA.

2. **Deficiency:** The CUPA did not correctly report the billed single fee and surcharge information on its Annual Single Fee Summary Reports (Report 2s) for FYs 04/05 through 06/07.

**Preliminary Corrective Actions:** none

**Cal/EPA's 1<sup>st</sup> Response:** This deficiency was corrected during the evaluation.

3. **Deficiency:** The CUPA is not meeting the inspection frequency for the CalARP program of one inspection every three years.

**Preliminary Corrective Actions:** By June 30, 2008, the CUPA should inspect one of their two CalARP facilities. The CUPA should inspect all of their CalARP facilities once every three years.

**CUPA's 1<sup>st</sup> Update (January 10, 2008):** As of December 14, 2007 all CalARP facilities have been inspected.

**Cal/EPA's 1<sup>st</sup> Response:** Cal/EPA considers this deficiency corrected.

4. **Deficiency:** The CUPA has not reviewed its Inspection and Enforcement plan annually and revised it as needed.

**Preliminary Corrective Actions:** By February 7, 2008, the CUPA should review its Inspection and Enforcement plan and revise it as needed.

**CUPA's 1<sup>st</sup> Update (January 10, 2008):** The annual self audit contains a section wherein the Inspection and Enforcement plan is reviewed and discussed. The 06/07 self audit, including this issue, was presented to CalEPA at the beginning of the audit that occurred Nov 2007. Therefore, the CUPA disputes this deficiency. The CUPA will continue to review the Inspection and Enforcement plan as part of the annual self audit.

**Cal/EPA's 1<sup>st</sup> Response:** Regardless of what the FY 06/07 self audit contained, when the CUPA manager was asked during the evaluation if the Inspection and Enforcement plan was reviewed annually and updated as needed, he said "no". This deficiency was based on the CUPA manager's response rather than what was in the self audit. Was the CUPA manager's statement wrong or was the self audit wrong?

Has the Inspection and Enforcement plan been reviewed since the November 2007 evaluation? If so, then this deficiency will be considered corrected. If not, please review the plan by February 7, 2008.

**Cal/EPA's 2<sup>nd</sup> Response:** Due to the CUPA's corrective action response, this deficiency is considered corrected.

5. **Deficiency:** In some instances, the CUPA is not following up on violations noted during underground storage tank (UST), business plan, and hazardous waste generator inspections.

**Preliminary Corrective Actions:** By November 7, 2008, the CUPA should review its facility files and follow up on facilities with outstanding violations.

**CUPA's 1<sup>st</sup> Update (January 10, 2008):** The CUPA manager has requested CUPA staff to complete an internal audit of all identified violations. Based on the results of that audit a re-inspection schedule will be created. If it is determined that the only facilities with outstanding violations are UST facilities the CUPA may dispute this as a violation since all UST facilities are inspected annually and the PCA gave the CUPA 1 year to follow-up on outstanding violations. Hence, the PCA follow-up frequency is equal to the CUPA's current inspection frequency.

**Cal/EPA's 1<sup>st</sup> Response:** During the file review portion of the evaluation, the evaluators found that some facilities with violations did not contain follow-up documentation. When this was brought to the CUPA manager's attention, he acknowledged that the CUPA had not followed up on some facilities with violations. Facilities with violations should return to compliance within a prescribed timeframe. The CUPA should not wait for the next routine inspection to determine whether or not a facility corrected violations from a previous routine inspection.

On the next status report, include the progress of the CUPA's internal audit to identify facilities with outstanding violations.

**CUPA's 2<sup>nd</sup> Update (May 5, 2008):** The results of the CUPA's internal audit indicate that 33 facilities required follow-up at one level or another. 26 of those facilities had minor paperwork type violations and 7 had equipment related violations. For those facilities having minor discrepancies (paperwork related), that do not warrant sending an inspector to the site, a self declaration letter is being sent asking them to certify that they have corrected the discrepancy. As of April 30, 2008, three (3) of the facilities with equipment related violations have come into compliance and been re-inspected. Two of the remaining facilities have applied for repair permits and enforcement letters are being drafted for the other two.

**Cal/EPA's 2<sup>nd</sup> Response:** The CUPA is following-up on facilities with outstanding violations. Did any of the facilities have significant or class 1 violations?

Along with the next progress report or sooner, please email the declaration letters the CUPA sent to 3 of the facilities with outstanding violations to Cal/EPA.

**CUPA's 3<sup>rd</sup> Update (August 4, 2008):** As of 08/04/2008, 1 facility remains to be reinspected. See attached documents per CalEPA's request.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA and SWRCB considers this deficiency corrected.